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Preface

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PREFACE

As the largest court of appeals in the country, the United States Court of Appeals for the Ninth Circuit issues decisions that have the potential to affect the lives of one in six Americans.¹ Indeed, the court's jurisdiction covers nine states in which fifty-four million Americans live.² Accordingly, the significance of the Ninth Circuit in American jurisprudence simply cannot be understated; the court establishes influential precedent for a large part of the country and signals shifts in legal trends in the public discourse of how the law can meet the ever-changing needs of society.

The past year at the Ninth Circuit has proven no less significant. In her introduction to this edition, Ninth Circuit Judge Susan Graber estimates that the court has decided more than five thousand cases, motivating the court to develop innovative techniques to keep pace with the docket. A decision by the Ninth Circuit often propels to the national stage controversial legal issues ripe for decision at the United States Supreme Court. While Ninth Circuit cases nearly always supply a plurality of the Court's docket, the rate of Ninth Circuit cases at the Court has increased dramatically this year, amounting to a "staggering" 42% of the current docket (20 out of the 48 cases).³ It is the ability of the Ninth Circuit to produce cases that advance legal commentary, analysis, and dispute that this Survey finds its inspiration.

I am pleased to present this Ninth Circuit Survey, the nation's only law review edition devoted exclusively to the work of the Ninth Circuit. This Survey features an illustrative cross section of the court's work, delving beyond the results of Ninth Circuit cases to explore their underlying reasoning and effect on the state of jurisprudence in that area of the law. My thanks to each of the authors for their work producing their articles. I would like to especially thank Judge Susan Graber, who graciously provided the introduction to this issue.

¹ *The Crucial Importance of the Ninth Circuit*, CIVILRIGHTS.ORG (Apr. 14, 2003), <http://www.civilrights.org/judiciary/courts/ninth-circuit.html>.

² *Id.*

³ Kedar Bhatia, *By the Numbers: Gearing Up for OT2011*, SCOTUSBLOG (Oct. 4, 2011, 9:50 AM), <http://www.scotusblog.com/2011/10/by-the-numbers-gearing-up-for-ot2011/>.

Behind each of the articles stands a group of individuals whose hard work culminated in the publication of this issue. A law review article is not easily crafted and is almost never an individual effort. This edition is no exception. My thanks to the staff of the Law Review for their invaluable collaboration with the authors in the publication process. Katherine Smith's contribution to this edition is particularly outstanding. I am especially grateful for and continually amazed at the Editorial Board's determination, talent, and good humor. Their tireless efforts in the production of this edition are truly laudable.

On behalf of the Editorial Board, I would like to extend our gratitude to the faculty and staff of the School of Law, without whose support the Law Review would simply not be possible. Dean Drucilla Ramey remains one of this journal's greatest advocates, providing the Law Review staff a continual source of encouragement and pride. Among the Law Review's greatest assets is Professor Ed Baskauskas. We owe a debt of gratitude to Professor Baskauskas for his unparalleled expertise and constant support. The Law Library provides us a resource of abundant talent from which we continually draw. We are fortunate to work closely with Associate Dean and Director of the Law Library Michael Daw, and his terrific staff. We are especially grateful for Jennifer Pesetsky's tireless assistance.

As the Executive Editor for the Ninth Circuit Survey, it has been my goal to ensure that this edition contributes meaningfully to the scholarly discourse arising out of the work of the Ninth Circuit. It has been a privilege for my colleagues and I to provide such a forum in this Survey.

Caitlin Mae Emmett
Ninth Circuit Survey Executive Editor